## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Lester Lamont Evans,		)	C/A No. 8:05-163-CMC-BHH
	Petitioner,	)	OPINION AND ORDER
v.		)	
Matthew B. Hamidullah,		)	
	Respondent.	)	
		)	

Petitioner, a federal inmate<sup>1</sup>, proceeding *pro se*, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner is incarcerated at the Federal Correctional Institution in Estill, South Carolina, where he is serving a sentence of 100 months imposed by the United States District Court for the Southern District of Georgia for violations of 21 U.S.C. § 841(a)(1) and 18 U. S. C. § 846. Respondent has filed a motion for summary judgment seeking dismissal of the petition. Petitioner has filed a response.

In accordance with this court's order of reference and 28 U.S.C. § 636(b), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge Bruce H. Hendrix.

The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident* 

<sup>&</sup>lt;sup>1</sup>The reference to Petitioner in the Report and Recommendation as a "state prisoner" is an obvious error.

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Ins. Co., 416 F.3d 310 (4th Cir. 2005) stating that "in the absence of a timely filed objection, a

district court need not conduct de novo review, but instead must 'only satisfy itself that there is no

clear error on the face of the record in order to accept the recommendation." (quoting Fed. R. Civ.

P. 72 advisory committee's note).

Based on her review of the record, the Magistrate Judge has recommended that Respondent's

motion for summary judgment be granted. The Magistrate Judge advised Petitioner of his right to

file objections to the Report and the possible consequences if he failed to do so. Petitioner has filed

no objections and the time for doing so has expired.

After reviewing the Petition, the motion and response, the record, the applicable law, and the

Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly,

the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

Therefore, it is

**ORDERED** that Respondent's motion for summary judgment is **GRANTED** and this action

is dismissed with prejudice.

IT IS SO ORDERED.

s/ Cameron McGowan Currie

CAMERON MCGOWAN CURRIE

UNITED STATES DISTRICT JUDGE

Columbia, South Carolina January 25, 2006

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